

Exhibit AA

1 BARRY J. PORTMAN  
Federal Public Defender  
2 ELIZABETH M. FALK  
Assistant Federal Public Defender  
3 19th Floor Federal Building – Box 36106  
450 Golden Gate Avenue  
4 San Francisco, CA 94102  
Telephone: (415) 436-7700  
5  
6 Counsel for Defendant ARIAS-ORDONEZ  
7

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,	)	No. CR 07-00738 MMC
	)	
12 Plaintiff,	)	
	)	DECLARATION OF ELIZABETH M. FALK
13 v.	)	
	)	
14 NOE ARIAS-ORDONEZ,	)	
	)	
15 Defendant.	)	
	)	

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17 I, Elizabeth M. Falk, DECLARE;

- 18 1. I am an Assistant Federal Public Defender and am counsel of record for Mr. Arias-  
19 Ordonez in the aforementioned action.
- 20 2. With respect to the defense request for the IJ's court file, I provide the following  
21 information: During the week of February 18, 2008, I called AUSA Owen P. Martikan  
22 and left him a voicemail message and acknowledged that I was not at the last court  
23 appearance regarding this case and that he may have been surprised to hear that we would  
24 be filing a motion to dismiss in this case. In that same voicemail message, I informed  
25 him of the basis of that motion and asked him for any and all information regarding Mr.  
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1 Arias-Ordonez separate and apart from the A-file which I already had at that point.

2 Although I did not specifically state that I wanted the IJ's court file in this case, I made it  
3 clear what the basis of our motion would be and asked for all information regarding Mr.  
4 Arias-Ordonez.

- 5 3. On March 3, 2008, after receiving no response from AUSA Martikan, we filed a FOIA  
6 request with the Office of the General Counsel of the Executive Office for Immigration  
7 Review.  
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9 I declare under penalty of perjury that the foregoing is true and correct.

10 Sworn this 20th day of March, 2008, at San Francisco, California.  
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12 /s/  
ELIZABETH M. FALK  
13 Assistant Federal Public Defender  
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